


**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CHARLES A. VERRY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-05-1121-F
	)	
CITY OF EL RENO, OKLAHOMA,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff's "Motion for Judgment," filed November 8, 2005, is before the court. (Doc. no. 9.) As grounds for the motion, plaintiff states that "The Defendant City of El Reno did not request, or make an argument for an extension of time to answer the Complaint." However, on October 31, 2005, defendant The City of El Reno, Oklahoma, moved to dismiss this action under Fed. R. Civ. P. 12(b)(6). (Doc. no. 8.) The service of a motion under Rule 12 alters the time for filing a responsive pleading. For example, denial of a Rule 12 motion requires a responsive pleading to be served within 10 days after notice of the court's action, or by whatever other date may be fixed by the court. Fed. R. Civ. P. 12(a)(4)(A). As the City's Motion to Dismiss is pending, the City is not in default. Plaintiff's Motion for Judgment is **DENIED**.

Dated this 9<sup>th</sup> day of November, 2005.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE